

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
UC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 29-UC-264769	Date Filed 8/18/20

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located.

1. PURPOSE OF THIS PETITION: UC - UNIT CLARIFICATION - A labor organization is currently recognized by the Employer, but the Petitioner seeks clarification of the placement of certain employees or job classifications. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer Brooklyn Friends School		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 375 Pearl Street, Brooklyn, NY 11201	
3a. Employer Representative - Name and Title Crissy Caceres, Head of School		3b. Address (If same as 2b - state same)	
3c. Tel. No. 718-852-1029 Ext. 216	3d. Cell No.	3e. Fax No.	3f. E-Mail Address ccaceres@brooklynfriends.org
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Independent School		4b. Principal product or service Education	

5a. Description of Present Unit Included: All full-time and regular part-time employees of the Brooklyn Friends School. Excluded: Managers, confidential employees and guards and supervisors as defined by the Act.	5b. No. of Employees in Present Unit: 200+
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6a. Description of Proposed Unit Included: None. Excluded: All Brooklyn Friends School employees.	6b. No. of Employees in Proposed Unit: 0
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7. City and State where unit is located: Brooklyn, NY	8. Check One <input checked="" type="checkbox"/> Unit previously certified in Case 29-CA-239617 <input type="checkbox"/> Unit not previously certified.
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9. Job classifications of employees as to whom the issue is raised and number of employees in each classification
All Brooklyn Friends School employees.

10. Reason Why Petitioner Desires Clarification
The Board lacks jurisdiction over BFS's teaching and non-teaching employees.

11a. Name of Recognized or Certified Bargaining Agent Technical, Office and Professional Union - Local 2110 UAW		11b. Address 256 West 38th Street, Suite 704, New York, NY 10018	
11c. Tel No.	11d. Cell No.	11e. Fax No.	11f. E-Mail Address maidarosenstein@2110uaw.org

11g. Affiliation, if any United Auto Workers of America	11h. Date of Recognition or Certification May 20, 2019	11i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) n/a
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12. Organizations or persons other than Petitioner and those named in item 11, who claim to represent any employees affected by the proposed clarifications. (If none, so state)

12a. Name	12b. Address	12c. Tel. No.	12d. Cell No.
		12e. Fax No.	12f. E-Mail Address

12g. Brief description of contract covering those employees.

13a. Full Name of Petitioner (Including local name and number if applicable) Brooklyn Friends School	13b. Address (street and number, city, state, and ZIP code) 375 Pearl Street, Brooklyn, NY 11201
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13c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)

13d. Tel No.	13e. Cell No.	13f. Fax No.	13g. E-Mail Address
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14. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

14a. Name and Title Kirsten B. White, Counsel		14b. Address (street and number, city, state, and ZIP code) 11 Chestnut St., Andover, MA 01810	
14c. Tel No. 978-824-0427	14d. Cell No. 202-374-9065	14e. Fax No.	14f. E-Mail Address kwhite@shpdaw.com

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Kirsten B. White	Signature 	Title Counsel for Brooklyn Friends School	Date August 14, 2020
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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BROOKLYN FRIENDS SCHOOL)	
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)	
	Employer)	
and)	Case No. 29-UC-264769
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TECHNICAL, OFFICE AND)	
PROFESSIONAL UNION –)	
LOCAL 2110 UAW)	
	Union)	

On April 15, 2019, Technical, Office and Professional Union – Local 2110 UAW (“Union”) filed a petition seeking to represent certain employees of Brooklyn Friends School (“Employer”). Pursuant to stipulated election agreement, an election was held by secret ballot on May 20, 2019. On May 29, 2019, the Regional Director issued a Certification of Representative certifying that the Union is the exclusive collective bargaining agent of a unit including all full-time and regular part-time employees of the Employer, but excluding all managers, confidential employees, any employee who had advised the Employer that they did not intend to return for the 2019-2020 school year,¹ and guards and supervisors as defined by the Act.

On August 18, 2020, the Employer filed the instant petition seeking to clarify the unit under *Bethany College*, 369 NLRB No. 98 (2020) and *University of Great Falls v. NLRB*, 278 F.3d 1335 (2002). Specifically, the Employer argues that the Board now lacks jurisdiction over the Employer under Board precedent.

Based on the foregoing, it is now appropriate for the Region to seek evidence to determine whether the Board lacks jurisdiction over the Employer and consequently should revoke the certification.

¹ To be excluded, employees had to have given the Employer notice by April 25, 2019.

Accordingly, **NOTICE IS GIVEN** that the all parties shall have until close of business on September 21, 2020 to show cause as to whether the Region should process the petition and revoke the certification. Upon receipt and consideration of the parties' submissions, I shall determine whether the Board has jurisdiction in the instant proceeding. All submissions must be in writing, include a showing that the response was duly served on the other party, and should be accompanied by supporting documentary evidence and relevant applicable legal authority.

Dated at Brooklyn, New York, on September 14, 2020

Nancy Reibstein
Nancy Reibstein
Acting Regional Director, Region 29
National Labor Relations Board
Two MetroTech Center, 5th Floor
Brooklyn, New York 11201